



1761

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
112701-029

In Re Application Of: May et al.

Serial No.
09/230,623

Filing Date
06-14-1999

Examiner
S. Weinstein

Group Art Unit
1761

Title: **MULTI-LAYERED CANNED PET FOOD**

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

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Response (8 pgs.); and return receipt postcard.

in the above identified application.

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Dated: **October 30, 2002**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

7/18/02
11/9/02

Applicant(s): May et al.
Appl. No.: 09/230,623
Filed: June 14, 1999
Title: MULTI-LAYERED CANNED PET FOOD
Art Unit: 1761
Examiner: S. Weinstein
Docket No.: 112701-029

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Commissioner for Patents
Washington, DC 20231

RESPONSE

Sir:

Please enter the following Response in the above-identified patent application:

REMARKS

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §103. Applicants respectfully submit that the obviousness rejection is not proper and therefore should be withdrawn for at least the reasons set forth below.

More specifically, claims 1-10 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Ohba* in view of *Poppel* and Applicants' alleged admission of the prior art or vice versa, further in view of *Waldburger*, *McGonigle*, *Cease*, *Bliley*, *Stover*, *Rogers*, European Patent Document No. 0,361,893 ("*Docker*"), *Quaker Oats* (GB '351), *QP Corp.* '677, *QP Corp.* '174, *Errass* and *Henkel*. The Examiner essentially relies on the reasons detailed in the previously submitted Office Actions mailed on August 8, 2000, April 3, 2001 and December 12, 2001.

At the outset, the Examiner has cited to *Quaker Oats* (Jap '174). Applicants believe that this reference should have been referred to as *Quaker Oats* (GB '351) as cited in the previously-submitted Office Actions. Accordingly, Applicants discussion, in part, is directed to *Quaker Oats* (GB '351).

Of the pending claims, claims 1 and 10 are the sole independent claims. Independent claim 1 relates to a canned pet food product. The canned pet food product includes a base layer